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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,966	08/03/2001	Masuyo Horiguchi	045054-0145	8808

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FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/920,966

Applicant(s)

HORIGUCHI, MASUYO

Examiner

Thjuan K. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on December 27, 2006 has been entered. No claims have been amended. Claims 1-24 have been cancelled. No claims have been added. Claims 25-44 are still pending in this application, with claims 25, 33, 34, and 39 being independent.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 34-42 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 34 recites the limitation "the user" in line 8. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 39 recites the limitation "the user" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toba (US 6,438,392), in view of Watanabe et al (US 6,125,264).
6. In regards to claims 25, 27, 33, 34, 37, 41, 43, and 44, Toba discloses a foldable portable cellular phone (e.g., folding portable cellular phone, See Fig. 1) and method being constructed integrally of a main body (See Fig. 1 and body 1) with a speech function, a lid body (See Fig. 1 and cover section 2) foldable relative to said main body, and a screen (See Fig. 1 and Liquid Crystal Display (LCD) 6) to display operational contents, comprising: a control section (See Fig. 3 and control circuit 12) to store in a call history storing area in a storing unit call history information (for example, telephone number or an ID of the calling party, a timestamp, etc.) about an unanswered call that was received (See col. 5 lines 28-35); a key (See Fig. 3 and operation keys 4) operative to provide control signals to said control section to cause said control section to search said call history storing area in said control section and said telephone directory memory, said key being configured to be operated by a called party (e.g., user); wherein, when the unanswered call was received while said foldable portable cellular phone was folded, a sound (for example, the sound is providing by the vibrator 15 or the sounder 16, See Fig. 3) corresponding to a calling party of the unanswered call is output

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through operation of said key (See col. 5 lines 21-35 and col. 5-6 lines 55-4). Toba, however, does not disclose a telephone information registering unit including a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a corresponding plurality of pre-registered calling parties; upon a match resulting from said searching, cause to output one of said plurality of sounds which corresponds to a pre-registered calling party stored in said telephone directory memory; and whereby each of a plurality of different calling parties may be identified by each of a plurality of different sounds in response to operation of said key. Watanabe, however, does disclose a telephone information registering unit (See Fig. 1 and ROM 22) including a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a corresponding plurality of pre-registered calling parties (See col. 3 lines 16-21 and col. 3 lines 35-52); upon a match resulting from said searching, cause to output one of said plurality of sounds which corresponds to a pre-registered calling party stored in said telephone directory memory (See col. 5 lines 8-44 and col. 5 lines 53-62); and whereby each of a plurality of different calling parties may be identified by each of a plurality of different sounds in response to operation of said key (See Fig. 1 and operation keyboard 25) (See col. 3 lines 53-57). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a signal receiving method, which includes the steps of receiving a signal and informing a called party about the status of a call received.

7. In regards to claims 26 and 36, Toba discloses all of claims 26 and 36 limitations, except the foldable portable cellular phone, wherein said control section is configured to cause to output one of said plurality of sounds corresponding to a second one of said pre-registered calling parties who called prior to a first one of said pre-registered calling parties in response to multiple successive operations of said key. Watanabe, however, does disclose wherein said control section is configured to cause to output one of said plurality of sounds corresponding to a second one of said pre-registered calling parties who called prior to a first one of said pre-registered calling parties in response to multiple successive operations of said key (See col. 3 lines 16-21, col. 3 lines 35-52, col. 5 lines 8-44, and col. 5 lines 53-62).

8. In regards to claims 28, 32, and 38, Toba discloses all of claims 28, 32, and 38 limitations, except the foldable portable cellular phone, wherein said sounds are produced by a ringer generator. Watanabe, however, does disclose wherein said sounds are produced by a ringer generator (Fig. 1 and CPU 21) (See col. 3 lines 35-52 and col. 5 lines 46-52).

9. In regards to claims 29, 39, and 42, Toba discloses all of claims 29, 39, and 42 limitations, except the foldable portable cellular phone, wherein vibration is employed in addition to said sounds. Watanabe, however, does disclose wherein vibration is employed in addition to said sounds (See col. 7 lines 22-29).

10. In regards to claims 30, 35, and 40, Toba discloses the foldable portable cellular phone, wherein said incoming call history information includes the name of a calling party (See col. 5 lines 28-35).

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11. In regards to claim 31, Toba discloses the foldable portable cellular phone, wherein said incoming call information history includes the time (e.g., timestamp) an unanswered call was received (See col. 5 lines 28-35).

Response to Arguments

12. Applicant's arguments with respect to claims 25-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan K. Addy', with a long horizontal flourish extending to the right.

Thjuan K. Addy
Patent Examiner
AU 2614